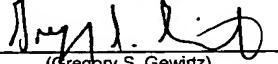


I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 3, 2004 Signature:   
(Gregory S. Gewirtz)

Docket No.: LLOYDW 3.0-011  
(PATENT)

SEP 07 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Egger et al.

Application No.: 10/654,376

Group Art Unit: 2813

Filed: September 3, 2003

Examiner: J. S. J. Chen

For FENCE-FREE ETCHING OF IRIDIUM  
: BARRIER HAVING A STEEP TAPER  
ANGLE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed July 13, 2004, setting forth a Restriction Requirement in the above-identified application. Applicant requests a one-month extension of time for responding to the Office Action.

In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-9, drawn to a method for forming ferroelectric capacitor.

II. Claims 10-14, drawn to ferroelectric capacitor device.

In response, Applicant hereby elects with traverse the invention of Group I, corresponding to claims 1-9. The reason for the traversal of the restriction requirement is that independent claim 10 recites the feature of "a first hardmask

covering the top electrode for protecting portions of the top electrode during a first etching step for patterning the top electrode." In contrast to the Examiner's statement that the claimed product can be made by another and materially different process, the "top electrode" recited in claim 10 must be made by the step of "etching to pattern the top electrode using the first hard mask" as recited in method claim 1. Accordingly, Applicant respectfully submits that the ferroelectric capacitor of claim 10 cannot be made by an alternative process step, such as simple masking or the like.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider the restriction requirement so that all claims will be examined together in the present application. If the Examiner should choose to maintain the present restriction requirement, claims 1-9 have been elected for prosecution on the merits. Applicant reserves the right to file a divisional application corresponding to the non-elected claims.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: September 3, 2004

Respectfully submitted,

By   
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